

Article - Family Law

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§10–113.

(a) Each year, the Administration may certify to the State Comptroller any obligor who is in arrears of support payments amounting to more than \$150 under the court order, if:

(1) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(2) the recipient of support payments has filed an application for support enforcement services with the Administration.

(b) The Administration shall notify the obligor that:

(1) a certification has been made by the Administration; and

(2) the obligor may ask the Administration to investigate the arrearage.

(c) The certification shall include, if known:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the address and the Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) (1) On receipt of notice of certification, any obligor who disputes the existence or amount of the arrearage may ask the Administration to investigate the arrearage.

(2) On receipt of a request for investigation from the obligor, the Administration shall:

(i) conduct an investigation as to the accuracy of the reported arrearage; and

(ii) if the Administration finds that there is an error, correct the amount of the reported arrearage or withdraw the certification.

(e) The State Comptroller may not question the certification made by the Administration.

(f) The State Comptroller shall:

(1) withhold and pay to the Administration any income tax refund due to the obligor, in an amount not more than the amount of the arrearage;

(2) pay to the obligor any part of the income tax refund over the amount of the arrearage; and

(3) notify the obligor of:

(i) the amount paid to the Administration; and

(ii) the rights of the obligor under subsection (g) of this section.

(g) (1) On receipt of notice of intercept from the State Comptroller, any obligor who disputes the existence or amount of the arrearage may appeal to the Administration.

(2) If the Administration finds that an excessive amount was withheld from the obligor's income tax refund or State lottery prize, the Administration promptly shall pay to the taxpayer the excess amount withheld.

(h) The State Comptroller shall honor refund interception requests in the following order:

(1) a refund interception request to collect an unpaid State, county, or municipal tax;

(2) a refund interception request under this Part II of this subtitle for arrears of support payments;

(3) a refund interception request for converted funds under § 15–122.2 of the Health – General Article; and

(4) any other refund interception request.

(i) The Secretary of Human Services and the State Comptroller may adopt rules and regulations to carry out this section.

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